

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

BRANDIN LEE JOHNSON,

Plaintiff

Case No. 2:20-cv-01004-JAD-DJA

**ORDER**

v.

SCOTT RAMSEY, *et al.*,

Defendants

**I. DISCUSSION**

On June 5, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff has neither paid the full \$400 filing fee for this matter nor filed an application to proceed *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form), and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

The Court will grant Plaintiff a **one-time** opportunity to file a fully complete application to proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay the full \$400 filing fee for this action on or before **August 7, 2020**. Absent unusual circumstances, the Court will not grant any further extensions of time. If

1 Plaintiff is unable to file a fully complete application to proceed *in forma pauperis* with all  
2 three required documents or pay the full \$400 filing fee on or before **August 7, 2020**, the  
3 Court will dismiss this case without prejudice for Plaintiff to file a new case with the Court  
4 when Plaintiff is either able to acquire all three of the documents needed to file a fully  
5 complete application to proceed *in forma pauperis* or pay the full \$400 filing fee.

6 To clarify, a dismissal without prejudice means Plaintiff does not give up the right  
7 to refile the case with the Court, under a new case number, when Plaintiff has all three  
8 documents needed to submit with an application to proceed *in forma pauperis*.  
9 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis*  
10 and instead pay the full filing fee of \$400 on or before **August 7, 2020** to proceed with  
11 this case. The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but the  
12 Court will not file the complaint unless and until Plaintiff timely files a fully complete  
13 application to proceed *in forma pauperis* with all three documents or pays the full \$400  
14 filing fee.

## 15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court will send  
17 Plaintiff the approved form application to proceed *in forma pauperis* by an inmate, as well  
18 as the document entitled information and instructions for filing an *in forma pauperis*  
19 application.

20 IT IS FURTHER ORDERED that on or before **August 7, 2020**, Plaintiff will either  
21 pay the full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50  
22 administrative fee) or file with the Court:

23 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this  
24 Court's approved form (i.e. pages 1 through 3 of the form with the inmate's two  
25 signatures on page 3),

26 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail  
27 official (i.e. page 4 of this Court's approved form), and

28 (3) a copy of the **inmate's prison or jail trust fund account statement for the**

1 previous six-month period.

2 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete  
3 application to proceed *in forma pauperis* with all three documents or pay the full \$400  
4 filing fee for a civil action on or before **August 7, 2020**, the Court will dismiss this action  
5 without prejudice for Plaintiff to refile the case with the Court, under a new case number,  
6 when Plaintiff has all three documents needed to file a complete application to proceed  
7 *in forma pauperis* or pays the full \$400 filing fee.

8 IT IS FURTHER ORDERED that the Clerk of the Court will retain the complaint  
9 (ECF No.1-1) but will not file it at this time.

10 DATED: June 8, 2020

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13 UNITED STATES MAGISTRATE JUDGE  
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